

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

Smith Corporation, Inc.,

Plaintiff(s)

vs.

Case No: 3:05-CV-04-1111-HA

ABC Corporation,

Defendant(s).

Discovery and Pretrial Scheduling Order

In order to facilitate and expedite discovery and the effective management of this case, the Court orders that:

(a) Corporate Disclosure Statement: In accordance with Fed. R. Civ. P. 7.1, any non-governmental corporate party must file a corporate disclosure statement concurrently with the filing of a first appearance.

(b) Initial Conference of Counsel for Discovery Planning:

- (1)** Except in cases exempted under Fed. R. Civ. P. 26(a)(1)(B), upon learning the identity of counsel for Defendant(s), counsel for the Plaintiff(s) must initiate communications with counsel for Defendant(s).
- (2)** All counsel must then confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after all Defendants have been served (See LR 26-1).
- (3)** Counsel should also discuss their client's positions regarding consent to a Magistrate Judge and Alternate Dispute Resolution options.
- (4)** If counsel for all of the parties agree to forgo the initial disclosures required by Fed. R. Civ. P. 26(a)(1), they can use the Court form issued with this order (See LR 26-2). Whether or not the parties agree to forgo the initial disclosures, they may seek discovery once the initial conference of counsel for discovery planning contemplated by Fed. R. Civ. P. 26(f) has occurred (See LR 26-1).

(c) Rule 16 Court Conference for Scheduling and Planning: Counsel for Plaintiff(s) and for Defendant(s) must, during or promptly after the conference of counsel referred to in the prior paragraph, contact the assigned judge's deputy clerk and schedule a LR 16-2 conference for scheduling and planning.

At the conference the parties will be prepared to discuss discovery, consent to a Magistrate Judge, scheduling or other issues presented by this action, including proposed modifications to the initial schedule set forth below (See LR 16-2).

(d) Pretrial and Discovery Deadlines: At the Initial Discovery Planning Conference referenced in paragraph (b) above, counsel should attempt to agree on one or more dates when they must:

- (1)** File all pleadings pursuant to Fed. R. Civ. P. 7(a) and 15;
- (2)** Join all claims, remedies and parties pursuant to Fed. R. Civ. P. 18 and 19;
- (3)** File all pretrial, discovery and dispositive motions;
- (4)** Complete all discovery; and
- (5)** Confer as to Alternate Dispute Resolution pursuant to LR 16-4(c).

The dates agreed upon by counsel should be communicated to the Court, and the Court will then issue a scheduling order which may include the agreed upon dates and/or set a Rule 16 Conference. Until the Court enters a subsequent scheduling order, the deadline for items (1) through (5) above will be 120 days from the date of this order.

(e) Pretrial Order Deadline: Unless otherwise ordered by the court, not later than 30 days from the date discovery is to be completed (item(4) above), counsel must lodge a Joint Pretrial Order (See LR 16-6), and file a Joint Alternate Dispute Resolution Report (See LR 16-4(d)).

(f) Service of this Order: Counsel for the Plaintiff must serve this order, and all attachments, upon all other parties to the action.

Dated: _____

By: NAME, Deputy Clerk

For: Mary L. Moran, Clerk